

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

DAN M. HOROWITZ, individually and on behalf of all others similarly situated,)	
Plaintiff)	
)	
v.)	Docket No. 2:10-cv-227
)	(Consolidated)
GREEN MOUNTAIN COFFEE ROASTERS, INC., et al.,)	
Defendants)	<u>CLASS ACTION</u>

DEFENDANTS LAWRENCE J. BLANFORD'S
AND FRANCES G. RATHKE'S MOTION TO DISMISS

Pursuant to Federal Rules of Civil Procedure 9(b) and 12(b)(6), Defendants Lawrence J. Blanford and Frances G. Rathke, through their attorneys Gravel and Shea, respectfully move to dismiss the Consolidated Class Action Complaint (the "Complaint") filed by Lead Plaintiffs Jerry Warchol, Robert M. and Jennifer M. Nichols, Marc Schmerler, and Mike Shanley (collectively, the "Plaintiffs").

Plaintiffs have failed to state a claim against Mr. Blanford and Ms. Rathke under Section 10(b) of the Exchange Act and SEC Rule 10b-5 because they have not created a strong inference that Mr. Blanford and Ms. Rathke acted with the requisite scienter. Plaintiffs also have failed to state a claim against Mr. Blanford and Ms. Rathke under Section 20(a) of the Exchange Act because Plaintiffs have not alleged (1) a primary violation of the securities laws and (2) that Mr. Blanford and Ms. Rathke were culpable participants in any purported fraud.

WHEREFORE, for the reasons set forth in this motion, the supporting memorandum of law, and by incorporation, the motions to dismiss and supporting memoranda filed by Green Mountain Coffee Roasters, Inc. and Mr. Stiller, Mr. Blanford and Ms. Rathke respectfully request that the Court dismiss Plaintiffs' claims against them with prejudice.

Dated: Burlington, Vermont
 April 25, 2011

/s/ Robert B. Hemley

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